

ENVIRONMENT, PLANNING and AGRICULTURE COMMITTEE

of the

SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Environment, Planning and Agriculture Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on March 13, 2006.

MEMBERS PRESENT:

Leg. Vivian Vilorio•Fisher, Chairperson
Leg. Lou D'Amaro, Vice Chairman (Not present)
Leg. Daniel P. Losquadro
Leg. Edward P. Romaine
Leg. Steven H. Stern

ALSO IN ATTENDANCE:

Presiding Officer William L. Lindsay
George Nolan, Counsel to the Legislature
Ian Barry, Assistant Counsel
Renee Ortiz, Chief Deputy Clerk
Ben Zwirn, Assistant Deputy County Executive
Thomas Isles, Director of Department of Planning
Jim Bagg, Chief Environmental Analyst/Department of Planning
Patricia Zielenski, Department of Real Estate
Lauretta Fischer, Department of Planning
Janet Longo, Department of Real Estate
Ginny Suhr, Aide to Chairperson
Lisa Keys, Aide to Leg. Romaine
Deborah Harris, Aide to Leg. Stern

Pamela Hogreff

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

(THE MEETING COMMENCED AT 11:21 AM)

CHAIRPERSON VILORIA • FISHER:

Good morning. Welcome to the legislative committee on Environment, Land Acquisition and Planning. And thank you all for being here this morning. I know that we did have to reschedule this meeting due to a backup on the other committee meetings on Thursday. We're going to be discussing this among ourselves the membership of this committee so that we can find a time that •• where we can more consistent meetings. Thank you for being here. And please join us in the Pledge led by Legislator Romaine.

(SALUTATION)

CHAIRPERSON VILORIA • FISHER:

And I would like to inform you that Legislator Lou D'Amaro is not here this

morning because his father did suffer a stroke and Lou is down in Florida with him. And we all wish them the very best. Our thoughts are with them.

I would like to go to our tabled resolutions. Oh, I'm sorry. There is a card. In fact I went over to Ms. Hogleff to ask how to pronounce her name. And I just said it wrong. It's Hogleff. Please come forward. Make sure that the microphone is on and state your name for the record.

MS. HOGLEFF:

Okay. My name is Pamela Hogleff. And I live at 129 Riverside Drive in Riverhead. That is formally the Suffolk County Chapter Home of the Daughters of the American Revolution. I am also a co•chair of the Riverside Drive Association which was formed in July of '05 specifically in the hopes of preserving and finally safeguarding a delicate and unique parcel of land which borders part of the Peconic estuary. It's about 55.1 acres.

I would like to thank Legislator Romaine who has brought resolution 1222 forward to the County. I would also like to thank County Executive Steve Levy and Michael Deering for their support.

Riverhead township is moving forward and has been working with the Nature Conservancy. However, this is a significant undertaking. And the town will need county support. This has been a tough battle. It has its history. However, it is worth every effort and it can work. The Riverside Drive is going to be the first to reap any immediate benefit. This reaches much further than any single neighborhood. We ask for your support and we thank you for your time.

CHAIRPERSON VILORIA•FISHER:

Thank you very much for coming down. Are there any questions? Thank you again.

TABLED RESOLUTIONS

CHAIRPERSON VILORIA•FISHER:

With your indulgence I would like to move first to the Introductory Resolutions. And I'll tell you why. Actually •• no, we'll start with the tabled; then we'll postpone one until later in the meeting. Can you please come forward, Mr. Isles?

1074 (authorizing acquisition of land under the Suffolk County Save Open Space, Farmland Preservation and Hamlet Parks Fund for the Pine property, Town of Islip), at the request of the sponsor, I'm going to make a motion to table 1074.

LEG. STERN:

Second.

CHAIRPERSON VILORIA•FISHER:

Seconded by Legislator Stern. Thank you, Mr. Stern. All in favor? Opposed? **1074 is tabled. (Vote: 4•0•0•2. Legislators Losquadro and D'Amaro not present)**

We will skip •• no, we'll go ahead to **1076**. I'm sorry. **Authorizing planning steps for the acquisition of land under the New Suffolk County Drinking Water Protection Program, Stein property in the Town of Islip.**

We had tabled that at the last meeting.

MS. ORTIZ:

It's been withdrawn.

CHAIRPERSON VILORIA•FISHER:

Oh, thank you. It's been withdrawn. Note from Legislator Alden to withdraw. Thank you. So that has been withdrawn.

I would like to hold off on the discussion of 1147 because part of that resolution deals with a parcel in Legislator Losquadro's district so I would prefer to wait until Legislator Losquadro arrives before we discuss that.

INTRODUCTORY RESOLUTIONS

CHAIRPERSON VILORIA•FISHER:

1160, appointing Vivian Viloria•Fisher as a member of the Suffolk County Soil and Water Conservation District. Council, if I have to recuse myself on this then it'll be problematic because we wouldn't be able to pass it. I mean I can wait until later.

MR. NOLAN:

You can wait.

CHAIRPERSON VILORIA•FISHER:

Okay. But do I have to recuse myself?

MR. NOLAN:

Generally I know legislators do recuse from votes affecting themselves. Pursuant to law there has to be two legislators appointed to this board. I would hold off.

CHAIRPERSON VILORIA•FISHER:

Okay. That's no problem because we have two members who will be arriving shortly. So, we're going to pass over that one.

1165, authorizing planning steps for acquisition of One Tower Street property, Huntington Station. I have spoken with Tom Isles and with Legislative Counsel and the sponsor. And we are going to table this resolution because it doesn't •• it doesn't name the funding source •• the program. So we will have to table that for one cycle until that is corrected. So, I'll make a motion to table.

LEG. STERN:

Second.

CHAIRPERSON VILORIA•FISHER:

Seconded by Legislator Stern. All in favor? Opposed? **1165 is tabled.**
(Vote: 4•0•0•2. Legislators Losquadro and D'Amaro not present)

1167 (appointing member to the Suffolk County Water Authority)

I'm going to make a motion to table.

LEG. STERN:

Second.

CHAIRPERSON VILORIA•FISHER:

Second by Legislator Stern. All in favor? Opposed? **1167 is tabled.**
(Vote: 4•0•0•2. Legislators Losquadro and D'Amaro not present)

1171, expanding the incentive program promoting the closure of residential underground fuel tanks to include aboveground fuel tanks and reappointing funds for the incentive program.

MR. ZWIRN:

May I?

CHAIRPERSON VILORIA•FISHER:

Yes.

MR. ZWIRN:

Madam Chair, it was last year the Legislature passed a bill •• a bill similar to this that was aimed at underground leaking fuel tanks; to get them out of the ground. The county would give \$100 incentive to do that. Clearly because if they're underground you can't tell if they're leaking or not unless you have an expensive test done to test the pressure to make sure that they're not leaking. But as an incentive to get these out of the ground to protect our drinking water, this bill aims at all aboveground tanks which for the most part are people's basements. I mean there's no environmental •• if somebody's having a tank leak in their basement, they know about it and they're going to get it fixed.

The other one clearly had environmental concerns because it affected our drinking water. So, the County Executive would ask that this be tabled. We'd like to get a real good handle on the fiscal impact of this because everybody in the County has •• you know, if they don't have them underground, they're in their basements.

CHAIRPERSON VILORIA • FISHER:

I believe the sponsor would like to respond.

LEG. ROMAINE:

Yeah. Not everyone has them in their basement, Mr. Zwirn. Many people have them outside their homes. That happens to be the case in just about every mobile home. My district has a great number of mobile homes in the Town of Riverhead amongst others. I think we have several thousand mobile homes in the Town of Riverhead with aboveground tanks. Many of them start leaking. This would be an incentive to replace those tanks with the newer tanks that are double hulled.

I'd be happy to amend my legislation if there's a problem with this because it was not aimed at people's basements. It was aimed at people in mobile homes to indicate aboveground outside tanks if that would make it more suitable.

CHAIRPERSON VILORIA • FISHER:

Would the sponsor then be willing to table it to continue to work on it?

LEG. ROMAINE:

I'd be willing to table but I'd like to hear if the Executive would •• if that is suitable with the Executive.

MR. ZWIRN:

Well, at least it gives us a chance to sit down and talk about it. I mean I just want •• I think part of it we want to get a handle on •• you make have a better idea of how many homes are going to be affected. At least get an idea. Because it has been a very successful program for people underground. There has been a very good response.

LEG. ROMAINE:

When you remove an underground tank, it has to cost at least a thousand, \$2000 to dig up that tank and remove it. So a \$100 incentive one way or another isn't great. When you remove an aboveground outside tank, which is what this bill is aimed at, and I'm happy if Counsel would •• actually I'll ask Counsel to amend it to put outdoors or outside or something to indicate not within the confines of the house. I wasn't aiming at basements. I was aiming at mobile homeowners where the \$100 incentive might be enough to get them to remove old and rusting tanks before they leaked.

MR. ZWIRN:

Yeah, but some of the towns have either matching or •• the Town of East Hampton where I live gives \$500 to get them out of the •• that are in the ground. So, \$500 and then another \$100 from the County, if you apply for both of them, then it starts to add up.

LEG. ROMAINE:

Well, unfortunately I don't represent East Hampton. I do represent Riverhead. And Riverhead does not have that type of an incentive program.

CHAIRPERSON VILORIA•FISHER:

Do they have any incentive for an above ground tank?

LEG. ROMAINE:

Not that I'm aware of, no. And we've checked this with the towns so this is not something I'm aware of. However, since we're doing this for in•ground and this is simply aboveground but outside, \$100 incentive might mean something particularly to people in mobile homes who tend, not always, but tend to be somewhat income limited.

CHAIRPERSON VILORIA•FISHER:

Okay. So you're making a motion to table?

LEG. ROMAINE:

I'll make a motion to table to the next session. And I would assume that between now and then someone from the Executive's Office will call one of

my aides and let them know if the amendment is suitable or not. And if it's not, I'm still going to move it.

CHAIRPERSON VILORIA•FISHER:

Okay. Seconded by the Chair. All in favor? Opposed? **1171 is tabled.**
(Vote: 4•0•0•2. Legislators Losquadro and D'Amaro not present)

1172, authorizing planning steps for the acquisition of land under the New Suffolk County Drinking Water Protection Program. And that's the Terrell River/Havens Estate property. Boy, that name just keeps popping up again, Havens property. Do you have information on that for us?

DIRECTOR ISLES:

We do. This is a parcel that is located in the Town of Brookhaven as indicated in the notice of the meeting.

CHAIRPERSON VILORIA•FISHER:

Is your mike on? It doesn't sound like it is.

DIRECTOR ISLES:

I thought it was.

CHAIRPERSON VILORIA•FISHER:

Okay.

DIRECTOR ISLES:

Okay. This is a parcel located in the Town of Brookhaven. And it's a parcel that is in the vicinity of other county land. I guess the main point we just wanted to convey to you on this one is that this is a resolution to seek planning steps to consider the acquisition of this property, which is, here again, one that makes sense.

There is a prior planning steps resolution under resolution 904•2001 under the same program. So, we don't believe that this resolution is necessary at this time even though we support the basic idea of it. So that's the most important thing for you to know is that there is an existing planning steps.

And that Real Estate is authorized if there is an interest in the seller to proceed to •• to activate it.

I believe there was a time where there were appraisals done. There were negotiations made. But there was not a successful negotiation in terms of buying the property. But, here again, with the planning steps, Real Estate can re•activate it if there is renewed interest.

CHAIRPERSON VILORIA•FISHER:

Now, there are appraisals that have been done?

DIRECTOR ISLES:

Yes. Janet Longo is here from Real Estate, if you'd like more information on that.

CHAIRPERSON VILORIA•FISHER:

Yes, I'm looking at her hand going up. How long ago were they done, Janet?

MS. LONGO

Actually on this project, we made an offer back in '03, which was rejected. And I spoke to the owner recently, who is in contract with somebody else. And he gave me all the information for the contract vendee who also sent me a note saying they're willing to entertain an offer. So, we have ordered appraisals again on this property.

For those two years after he rejected the offer, he asked us not to make him any offers until we heard from him. So, we just •• you know, which is what we do. If we don't have a willing seller, we don't twist peoples' arms.

CHAIRPERSON VILORIA•FISHER:

And now we're negotiating •• we would have to negotiate with the contract vendee?

MS. LONGO:

Correct.

CHAIRPERSON VILORIA • FISHER:

Okay. I believe Legislator Romaine has a comment or question.

LEG. ROMAINE:

Yes. I believe that the offer that you made for the seven and a half acres was a very low•ball offer. Just my impression because I have a number sitting right which I won't announce publically that you offered for this parcel. The Town's Senior Planner recently indicated that the Town would probably permit four homes on this wetlands property even though it's almost all wetlands. I was amazed, but I guess under town rules the Senior Planner of the Town, _Diane Mazarackis_ has indicated that up to four homes might be able to be built there under certain conditions. So, you haven't contacted this owner at all?

MS. LONGO

I have. I spoke with him last week.

LEG. ROMAINE:

Okay. And?

MS. LONGO:

I just said he's in contract. He's in contract with another party.

LEG. ROMAINE:

Yes.

MS. LONGO

So, he gave me the name of the other party ••

LEG. ROMAINE:

Right.

MS. LONGO

•• who is now the contract vendee.

LEG. ROMAINE:

Right.

MS. LONGO

That we would have to deal with. And the low•ball offer, as you called it, was actually the means ••

LEG. ROMAINE:

Well, no, that was ••

MS. LONGO

•• of two appraisals, which is how the Legislature directed Real Estate to make offers back in 2003.

LEG. ROMAINE:

Right. Because the rules were different back then.

MS. LONGO:

That's correct.

LEG. ROMAINE:

My understanding of the rules were that you got two appraisals. And the two appraisals were widely different, if I'm not mistaken.

MS. LONGO

Right. That happens often.

LEG. ROMAINE:

Yes. I mean very widely different. So, that the average was •• was obviously not acceptable to the owner at the time.

Now, what stimulated you to contact this owner since he had told you not to bother him again after you made the offer back in 2001 and then in 2003?

MS. LONGO:

We tried calling him. We had contacted him last year.

LEG. ROMAINE:

Okay. And what did he say last year?

MS. LONGO

And he said to please not contact him until he was ready.

LEG. ROMAINE:

Why would you contact him then last week?

MS. LONGO

I'm not sure. I suppose the agent's go through their files. And I think they had read something in the paper and decided to call him and see if, in fact, his position had changed. And it hadn't until we spoke to him again because he is in contract with another party.

LEG. ROMAINE:

Right.

MS. LONGO:

When people are in contract with somebody else, they don't usually call Real Estate then to purchase their land.

LEG. ROMAINE:

And that's why I sponsored this resolution to bring out something that was essentially dead and to revive the effort of acquisition. Because it had been dead. And I'm glad that if nothing else came out of this, that your Department after reading in the newspaper that we were sponsoring a resolution for this moved forward on this.

MS. LONGO:

Yeah. And that's very nice. We do appreciate any help we can get if anybody knows of a willing seller for planning steps that we already have, we would appreciate a phone call. Because we have thousands of planning steps out there at different stages. And sometimes projects do die for a certain period of time; and then come back. But certainly we ask any Legislator and any person in the public sector, if they know somebody who's a willing seller, please call us or have them call us or we'll call them.

LEG. ROMAINE:

Well, I hope this proceeds.

MS. LONGO

Thank you.

LEG. ROMAINE:

I'm very interested in seeing this, you know, acquired if we can. It's difficult and this is only a planning steps resolution but ••

MS. LONGO:

Well, again, he is contract with somebody else. So we will do our best ••

CHAIRPERSON VILORIA • FISHER:

You're dealing with the contract vendee at this point.

MS. LONGO

That's right.

CHAIRPERSON VILORIA • FISHER:

Legislator Romaine ••

LEG. ROMAINE:

I'll move the resolution.

CHAIRPERSON VILORIA • FISHER:

Okay. Well, I had prepared to come to this meeting and vote to approve the resolution. But since we have an existing resolution and we've discussed this before where we don't want the competing resolutions out there because we have a department that is inundated with paper, with files and following through on acquisitions, I really don't want to burden them with having dueling resolutions on planning steps. And I can certainly appreciate, Legislator Romaine, that you saw this piece of property out there. And if I'm not mistaken, it would be contiguous to other pieces.

MS. LONGO:

Yes.

CHAIRPERSON VILORIA•FISHER:

So, it's valuable for us. And I commend you on your interest, Legislator Romaine. But I have often picked up the phone as well and called Real Estate and said I think there's a change here, can you look at it? And maybe we can try to work with them that way rather than have competing resolutions. Is this the same program under which the first resolution was?

DIRECTOR ISLES:

(Shaking head yes)

CHAIRPERSON VILORIA•FISHER:

So there is absolutely no difference in the resolutions. I'm going to make a motion to table. Is there a second?

LEG. STERN:

Second.

CHAIRPERSON VILORIA•FISHER:

Seconded by Legislator Romaine. All in favor? Opposed?

MS. ORTIZ:

Stern.

CHAIRPERSON VILORIA•FISHER:

Stern. Sorry, Legislator Romaine. All in favor? Opposed? **1172 is tabled.**
(Vote: 4•0•0•2. Legislators D'Amato and Losquadro not present)

1193, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, Mills Pond Property, Town of Smithtown. Mr. Isles?

DIRECTOR ISLES:

Okay. This is •• we are handing out an aerial photograph of the subject parcel as well as a rating sheet for your information. The parcel is located as indicated by the Chair in Town of Smithtown. It is a parcel that is directly

adjacent to other open space parcels and park parcels owned by the Town of Southampton. Smithtown. Pardon me. Thank you. And it's actually essentially across the street from the \"Jiredon\" property which is just to the right on the east side on the map on Mills Road.

So the proposed acquisition is under the Multifaceted Program what we understand for parkland purposes. The property itself consists of a structure, a house on the south end of the property fronting on Mills Road. And part of a pond that exists on the north end of the property. As you can see by the aerial photograph, the parcels outlined in red are owned by the Town of Smithtown. So the pond is basically divided between the Town and then this private parcel.

It would certainly be a fine parcel for the town to consider acquisition on. However, we also feel that in a partnership it could potentially be a county acquisition as well. Our review of this indicates a point value of 46 points. A typical score that the committee looks for is 25 points.

What we would be concerned about in this acquisition would be two things. One is the status of the house and the disposition of the house. What is the intention with the house. Is it intended to be occupied for any purposes? And, you know, those kinds of issues typically could be problematic to the County Parks Department if the county has to improve or manage that dwelling.

The second issue would then be management of the property overall. And here, again, this would be a case where the County would seek a partnership with the town since the town is already maintaining the adjacent property. If the county were to proceed with the full authorization to acquire, we would suggest that we do so in partnership with the town; at very least having the town take over maintenance and management.

But on the face of it at this point in time based on the scoring sheets that we did review we would feel that this would be something we would recommend subject to •• prior to an authorizing resolution if it goes that far resolving the issue of what to do the house and the management of the property.

CHAIRPERSON VILORIA • FISHER:

Mr. Isles, I do have other concerns. If we were to pass the planning steps today, we would still have an opportunity to seek a partnership with Smithtown?

DIRECTOR ISLES:

Yes, absolutely.

CHAIRPERSON VILORIA • FISHER:

And the reason I ask that is because I don't live too far from this. And I have opportunity to drive by here. And that pond has a problem with flooding.

DIRECTOR ISLES:

Right.

CHAIRPERSON VILORIA • FISHER:

The street becomes inundated. We've had to put heavy equipment there. It could be very expensive to maintain this property. The flooding has been problematic through the years. And so I would want to see a partnership come out of this because it would be •• it becomes a dredging problem in that pond and the road that it adjoins would become, you know, another cost issue that we're facing. How close is this to the Mill's Pond House?

DIRECTOR ISLES:

It's essentially next door to it. The Mill's Pond House is basically to the left of the map. And it's the one with the circular driveway in front of it.

CHAIRPERSON VILORIA • FISHER:

It's that large white spot?

DIRECTOR ISLES:

Pardon me?

CHAIRPERSON VILORIA • FISHER:

That large white spot?

DIRECTOR ISLES:

Yes.

MS. FISCHER:

Yes.

DIRECTOR ISLES:

Well, the large white spot is behind the house. But the house itself is a little bit to the top left.

CHAIRPERSON VILORIA • FISHER:

Okay.

DIRECTOR ISLES:

And it's got a circular driveway in front of it. So it's part of a historic area. And here again as a town park, it would certainly make sense or a partnership with the County.

We did speak to the town about the drainage issue. Because you're right. I've observed that myself. And they've indicated that they did work out something with Grumman on the drainage. But I think your point is well taken. That if the County were to purchase this property, that the County would then seek to have an arrangement with the town whereby if it does flood in the future that County DPW doesn't have to take on the burden of pumping and so forth at that location. So that would have to be looked at more closely.

CHAIRPERSON VILORIA • FISHER:

It's a good acquisition. It's a beautiful area. And it is a historic area. So it would be a good addition to that. I'll make a motion to approve.

LEG. STERN:

Second.

CHAIRPERSON VILORIA • FISHER:

Seconded by Legislator Stern. And I lost my agenda. Okay. Good, Legislator Losquadro is here. Well, actually we're going to go back to something.

LEG. STERN:

You didn't call the vote.

CHAIRPERSON VILORIA•FISHER:

I'm sorry. All in favor? Opposed? I get thrown off very easily. We change the date and you just throw me right off. **(Approved. Vote: 5•0•0•1. Leg. D'Amaro not present.)**

By the way, I'd like to thank the Clerk's office because I know that this makes it a little bit more difficult for you preparing the agenda for tomorrow, but it was difficult. Legislator Losquadro, we skipped over ••

LEG. LOSQUADRO:

I saw, 1147?

CHAIRPERSON VILORIA•FISHER:

1147, yes. Because •• and actually I'll let Mr. Isles explain why I waited for you to arrive here. Mr. Isles. **(Donation and dedication of certain lands to County Parks, a SCDHS Board of Review Transfer of Development Rights.)**

DIRECTOR ISLES:

1147 is a transfer of development rights matter to bring before you. And maybe I'll just recap what this means. Under the County Health Department regulations •• under the County's Health Department regulations, you must have a certain amount of land in order to be able to build on property. In the event you have a parcel that's less than that, you may obtain a parcel from somewhere else to have the equivalent required amount of land. And that's known as a transfer of development rights.

In this case the Board of Review of the Health Department has approved a TDR for this location. However, what's causing this to come before you today in the Legislature is that the parcel that is not going to be developed is

proposed to be donated to the County of Suffolk. So, therefore, that requires an acceptance by the Legislature. If this were strictly a private TDR, you would not see it.

So the matter before you then is to allow the development •• pardon me •• to accept the donation of property that is located in the Mt. Sinai•Miller Place conservation area. That's about it.

LEG. LOSQUADRO:

Madam Chairwoman?

CHAIRPERSON VILORIA•FISHER:

Yes.

LEG. LOSQUADRO:

So the property to be sterilized just to clarify is in the Miller Place Yaphank Road nature preserve area?

DIRECTOR ISLES:

Yes.

LEG. LOSQUADRO:

I accept.

CHAIRPERSON VILORIA•FISHER:

Okay. Well, I just didn't want to move forward with the discussion without you being here. And the parcel that is to have more density is in the Town of Brookhaven?

MS. FISCHER:

No. Islip.

CHAIRPERSON VILORIA•FISHER:

No, it's in the Town of Islip.

DIRECTOR ISLES:

Right.

LEG. LOSQUADRO:

It's in Ronkonkoma, I believe?

CHAIRPERSON VILORIA • FISHER:

It's in Ronkonkoma, yes.

MS. FISCHER:

Yes.

PRESIDING OFFICER LINDSAY:

Is it for affordable housing?

MS. FISCHER:

No.

CHAIRPERSON VILORIA • FISHER:

No, it's not for affordable housing. Is a different type of program. It's an expansion of a restaurant? What is the commercial use? Because it's not before us in this introduction, we don't have the use. What we're doing with this is accepting.

DIRECTOR ISLES:

Yeah, we're not sure of that, Mr. Romaine.

MS. FISCHER:

I think it's going to be subdivided into two lots for residential use.

DIRECTOR ISLES:

We believe it's residential, but here again we don't have that file.

CHAIRPERSON VILORIA • FISHER:

Okay. I'm going to go over the history of why this was tabled last month. The County Executive's Office asked that it be tabled because the •• the applicant, I suppose it would be called the applicant to this or the person, the entity that's donating the property is •• had been represented by someone who was a member of CEQ. And there was a question about that.

The member of CEQ did recuse himself on this deliberation. And so I am satisfied with that. However, there is a problem on the part of County Executive's Office. Could you elaborate on that, Brian?

MR. BEEDENBENDER:

I'm not aware of what information you have, Madam Chairman. But if you look at the minutes, I have a copy of the minutes from the December 14th, 2005 meeting. Now, they're not verbatim minutes but they indicate that motion was passed unanimously. There's no indication of an abstention nor a recusal. And they do indicate that Mr. Cramer was in attendance. So, that's the nature of the pause that we gave •• that we got. Now, it happened after we filed the resolution. So that's why we have pause because there's no mention of it. Now if you have additional information that we don't have ••

CHAIRPERSON VILORIA • FISHER:

Yes, Mr. Bagg, could you come up, please? By the way, this is a good reason to support Legislator Nowick's resolution that the Chair of Environment be a member of CEQ so you have the continuity. Mr. Bagg?

MR. BAGG:

Yes. Mr. Cramer was present at that meeting; however, every CEQ resolution has a vote page attached to it. So, Mr. Cramer recused himself. He left the room. And his vote is considered he is absent because he was not in the room at the time. I mean irrespective of the minutes but that's how the vote is taken.

CHAIRPERSON VILORIA • FISHER:

Okay. So, it wouldn't have been listed on the vote page as an abstention. It would have been listed as simply an absence?

MR. BAGG:

That's correct. It's an absence because they recuse themselves and they leave the room and do not entertain any discussion or vote.

CHAIRPERSON VILORIA • FISHER:

Okay. I thank you Mr. Bagg. Mr. Zwirn?

MR. ZWIRN:

The only thing that I •• it's difficult for anybody from the outside who wasn't present unless we have •• if the minutes aren't reflective of what's going on the meetings, there's no way for some of us to know. And I think we were going by the minutes and it caught our attention and we said let's take a look at this before we move forward. I don't think we've seen the vote slip. That would change everything. But I would just suggest in the future that whoever takes the minutes that they list some information as to why somebody would recuse themselves or excuse themselves so it's part of the public record at some point other than a vote slip which they might not see right away.

CHAIRPERSON VILORIA • FISHER:

Okay. Then that satisfies your objection. And I'll make a motion to approve.

LEG. LOSQUADRO:

I'll second that motion.

CHAIRPERSON VILORIA • FISHER:

Seconded by Legislator Losquadro.

MR. ZWIRN:

We have other questions that •• we're still looking at this as part of •• we didn't have the vote slip, but then we're going to have to look at some other vote slips because there's some other issues with regard to this individual on other applications to make sure that this is •• that it was done properly. This was not the only instance that we came up with. And we just want to make sure that everything has been done properly. And maybe Mr. Bagg can give us some more information on vote slips on other items that might also be resolved the same way. But we have still have some questions.

CHAIRPERSON VILORIA • FISHER:

Okay. But on this item we've resolved that he did recuse himself and so we

can move forward on it.

MR. ZWIRN:

Well, we were hoping to get an answer from the Ethics Board just to make sure that it's just not •• being on CEQ doesn't create certain problems. Because when applications are brought before the Health Department, for example, the Health Department has to have certain things approved by CEQ, like Vector Control and number of things. And if somebody sits on CEQ and then brings applications on behalf of clients to the Health Department, does that create a conflict inherently when that person is now sitting on CEQ voting on Health Department issues.

CHAIRPERSON VILORIA • FISHER:

Okay. Well, I think that becomes a broader question. But right now with the acceptance of a donation of property, perhaps we can move forward on this because I believe there has always been a determination on the part of the Health Department regarding the TDR. Am I correct, Laretta? You're nodding yes.

MS. FISCHER:

Yes.

CHAIRPERSON VILORIA • FISHER:

So if we could forward on this ••

LEG. ROMAINE:

There's a motion.

CHAIRPERSON VILORIA • FISHER:

•• and perhaps •• but we haven't called the vote yet. So this is on the motion. Yeah, we have a motion to approve. Did you have a comment on the motion? I thought you were saying there is a motion. Sorry.

LEG. ROMAINE:

There is a motion but ••

CHAIRPERSON VILORIA • FISHER:

Sorry. Let me just finish my statement. Perhaps at some other time, when we're not holding a particular resolution hostage, I may say, perhaps we can in a broader sense look at what our parameters are regarding the •• and we've been looking for a year at the membership of CEQ •• people who are on CEQ tend to be people who are associated in this field in one form or another. And I might •• and I dare say most of our boards, there is an association. And that if we look at a broad relationship with any department, sometimes we may •• the unintended consequence might be that we can't find people to serve on our boards if they have an expertise in this area. So I believe this is a broader issue. It is the County Executive's resolution. Are you asking that we table this?

MR. ZWIRN:

Yes.

CHAIRPERSON VILORIA • FISHER:

Okay. Then we would have to have •• yeah, I don't see a reason to table it. We do have a motion to approve. If we were to table this in its current form, my suggestion would be and I would ask the Legislator from that district to re•introduce this resolution under his name. So, I would want to pass this one way or another. I just want that for full disclosure. I think it might be better at this to pass this and then address this issue, the broader issue at some other time rather than continue to hold up this particular resolution on which there has been testimony that Mr. Cramer did recuse himself at CEQ.

MR. ZWIRN:

Right. The County Executive's request to the Legislature •• of course the Legislature can do what it sees fit. But we would ask for it to be table.

CHAIRPERSON VILORIA • FISHER:

Mr. Romaine.

LEG. ROMAINE:

It's just a strong recommendation it would be good if you would correspond first with CEQ from the Executive requesting that in the future that their

votes slips be included in the minutes, which I think would be helpful. So that should go in writing. And it would be good if the Chairman •• Chair lady, excuse me, of this committee was copied on that. And likewise if you have a concern of an ethical nature that you've raised about a member of CEQ, that should go in writing over the Executive's signature to the Ethics Commission with a copy to our Chair lady so that that would be done.

MR. ZWIRN:

It has. We have done that.

LEG. ROMAINE:

Okay. Well, I don't believe this committee is aware of it ••

MR. ZWIRN:

I don't if the committee was copied, but we did •• we did request. That's why we're waiting for a response from the Ethics Commission. That's why we're asking for it to be tabled.

LEG. ROMAINE:

I would suggest that you forward that to •• because we would be better prepared to deal with this resolution because I'm prepared to vote for it today. And I think Legislator Losquadro is as well.

CHAIRPERSON VILORIA • FISHER:

Well, as I said earlier, the County Executive is the sponsor of this. And we usually abide by the person •• the sponsor of the bill. But I would certainly support a reintroduction of it by Legislator Losquadro whose district •• and this is why I waited for him to arrive.

LEG. LOSQUADRO:

Just a quick comment.

CHAIRPERSON VILORIA • FISHER:

And in essence, you know, I've stated my objection to tabling this. But because I do try to honor the sponsor's willingness to table it then I'll do that in this case as well. But I am encouraging a reintroduction of this.

LEG. LOSQUADRO:

Well, in this case we have a situation where obviously there's a willingness of myself, a member of this body, to reintroduce an identical bill. So, in the interest of doing away with the political posturing, why don't we just pass this one? Who cares whose name is on it?

MR. ZWIRN:

We asked for an ethics ruling. That's not political posturing. And we didn't want to ••

LEG. LOSQUADRO:

No, Mr. Zwirn, please, I'm not finished. If you could please stop talking over me.

MR. ZWIRN:

•• bring it necessarily so you ••

LEG. LOSQUADRO:

No, Mr. Zwirn, please.

MR. ZWIRN:

Where does it come from?

CHAIRPERSON VILORIA•FISHER:

Let him finish his statement and we'll address it when he's finished.

LEG. LOSQUADRO:

The posturing would be me introducing an identical bill. That would be the posturing. If you would like to speculate on some indifference, that's your right, but please do not speak over me. I would prefer not to have to go through those motions. It seems a waste of time. And it seems a waste of time that the County Executive's Office can't get a copy of a vote slip until we sit down here at a table. I think had that been asked for prior to this, it would have been provided in a timely manner. So I think this is heal •dragging and I don't want to see it go on any longer. I'm prepared to

move on this in its current form because I would just reintroduce an identical bill. So what's the point of waiting and going through those motions? I don't see one.

MR. ZWIRN:

We're waiting for an Ethics Commission ruling.

LEG. LOSQUADRO:

We had someone recuse themselves. It's there in front of you in black and white. If you wish to pursue that further based on other votes this individual may have taken where he did not recuse himself and there may or may not be a conflict of interest, we have a presumption of innocence, I'm sure, this isn't a kangaroo court, so I say this looks good on its face.

CHAIRPERSON VILORIA • FISHER:

Mr. Zwirn.

MR. ZWIRN:

We have a question and, Madam Chair, you raised it, is it a broader issue. When you have people sitting on CEQ who are bringing applicants before other commissions in the County, other departments of the county, that then have to go before CEQ for approval, we may have inherent conflicts. Now, you've raised it. And it's something that we would like to get an opinion from the Ethics Board. That's all this is. That's all we've been waiting for.

CHAIRPERSON VILORIA • FISHER:

But I have to say that for the eight years now •• seven and a half years that I've been here, and I have as Chair •• former Chair of Parks for three years, I sat at CEQ. And I saw this particular member of CEQ really perform very professionally and brought a lot to the table. And I wouldn't want to begin down this slope of alienating professional members of committees who contribute a great deal to those committees and to the decision making of those committees because of their expertise; and people who, by the way, still have to make a living because this is a voluntary position. I am •• I feel very confident that when the Ethics Committee does look at this, I don't believe that there will be a negative finding against this member of CEQ.

However, as I said, because we do respect when a sponsor insists on a tabling, we respect that. We will table this if there is a motion. However, I urge that you remove that objection to an approval at this point so that we can continue forward with it rather than delay it for another month because it will be reintroduced with another sponsor's name.

LEG. LOSQUADRO:

Madam Chairwoman?

CHAIRPERSON VILORIA • FISHER:

I just want to hear if there's a response to that.

MR. ZWIRN:

I hear you. I'll bring that back to the County Executive.

CHAIRPERSON VILORIA • FISHER:

But at this point you're representing him here.

MR. ZWIRN:

Right. And I would say that we would request it again one more time to have this ••

CHAIRPERSON VILORIA • FISHER:

But you have information that you didn't have before? And by the way, I agree that you should have had that information. This is public record. We did have an environment committee meeting last month where if •• and I did speak with Paul Sabatino and he did not say that it was this particular vote at this particular juncture that was the problem. At that point I would have referred him to the vote slip. And I argued that the broader issue should be addressed at a different time; not on a particular resolution. Is there a motion to table?

LEG. STERN:

Motion.

CHAIRPERSON VILORIA • FISHER:

Is there a second?

LEG. LINDSAY:

Second.

CHAIRPERSON VILORIA • FISHER:

Okay. Seconded by Legislator Lindsay.

LEG. LOSQUADRO:

On the motion.

CHAIRPERSON VILORIA • FISHER:

On the motion, Legislator Losquadro.

LEG. LOSQUADRO:

I'd just say that having the question answered on this particular bill, that the objection that still remains basically is a recrimination of everything that CEQ has done; and that therefore we should move forward on nothing that CEQ has voted on or approved. We should table everything if that's the case.

CHAIRPERSON VILORIA • FISHER:

Well, actually what has been represented ••

LEG. LOSQUADRO:

Well, no. Mr. Zwirn has said this is a broader issue that brings into question those who serve on this board and not just this individual.

CHAIRPERSON VILORIA • FISHER:

No. Actually he said that there was a question that has been put to the Ethics Board. And if that is so, then, I don't think he's saying that it's the entire CEQ. So what we will do is ••

LEG. LOSQUADRO:

He was ••based on his statements, he questioned the process. And I feel that is a recrimination of CEQ. And that it brings into question the entire process. And that, therefore, I request that we table every motion that CEQ

has voted on until this matter is resolved.

CHAIRPERSON VILORIA • FISHER:

Okay. Well, I don't think we should begin ••

LEG. LOSQUADRO:

I will make a motion to table those if that is the case.

CHAIRPERSON VILORIA • FISHER:

Well, feel free to do that but I think now we're beginning to get into a posturing mode. There is a motion to table and a second.

PRESIDING OFFICER LINDSAY:

On the issue.

CHAIRPERSON VILORIA • FISHER:

On the issue. On the motion Legislator Lindsay.

PRESIDING OFFICER LINDSAY:

I really thought this was resolved. I went to the bathroom. I came back. You're still arguing about the same thing. I, you know, Legislator Losquadro, I, you know, was in your district. And you had input and you seem to think it was a good idea. And I had no problem with it at all. The only reason I seconded the tabling motion is the County Executive's the sponsor. And I have always yielded to the sponsor asking for something to be tabled. It's as simple as that. It isn't on the merits at all.

LEG. LOSQUADRO:

I'll refile then if that's going to be the case.

CHAIRPERSON VILORIA • FISHER:

Legislator Stern.

LEG. STERN:

Thank you, Madam Chair. I would agree with the Presiding Officer. That is

the tradition of this body. It's the sponsor. They've made this request. And that's the reason to make the motion.

CHAIRPERSON VILORIA • FISHER:

All in favor? Opposed?

LEG. LOSQUADRO:

Opposed.

CHAIRPERSON VILORIA • FISHER:

Motion to table passes. I'm in favor because of the reasons that we've stated that the sponsor has requested to table. **(Tabled. Vote: 4 • 1 • 0 • 1. Leg. Losquadro opposed. Leg. D'Amaro not present)**

Okay. **1202, making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Sanford Pines property, Town of Islip.**

LEG. LOSQUADRO:

Motion to table.

LEG. ROMAINE:

Second.

PRESIDING OFFICER LINDSAY:

Would you allow me as the sponsor to make that motion?

CHAIRPERSON VILORIA • FISHER:

The SEQRA determination?

PRESIDING OFFICER LINDSAY:

Because it isn't going to go forward. The town originally requested this acquisition. And evidently they've changed their mind about it and are not willing to support it now. So, if they're not willing to support it, I'm not going to support it. So what's the sense of passing the SEQRA if •• give me an opportunity to write a withdrawal on it.

CHAIRPERSON VILORIA • FISHER:

Oh, this refers to the other resolution.

PRESIDING OFFICER LINDSAY:

Yeah. Okay.

CHAIRPERSON VILORIA • FISHER:

Okay. So motion to table by Legislator Losquadro, seconded by Legislator •

PRESIDING OFFICER LINDSAY:

Let me table my own motion.

LEG. LOSQUADRO:

Give it to the Presiding Officer.

LEG. ROMAINE:

Withdraw.

CHAIRPERSON VILORIA • FISHER:

Yes. Presiding Officer. Sorry, Presiding Officer.

LEG. ROMAINE:

Withdraw.

LEG. LOSQUADRO:

I withdraw my motion.

CHAIRPERSON VILORIA • FISHER:

You can second it.

LEG. LOSQUADRO:

I'll second it.

CHAIRPERSON VILORIA • FISHER:

Motion to table. All in favor? Table 1202. I'm sorry. I didn't realize it. I was holding the mike like this. So, **1202 is tabled. (Vote: 5 • 0 • 0 • 1.**

Leg. D'Amaro not present)

1203, making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as Mud Creek County Park Addition, Kaufman/Heller property, Town of Brookhaven. I'll make a motion to approve.

LEG. STERN:

Second.

CHAIRPERSON VILORIA•FISHER:

Second by Legislator Stern.

LEG. LOSQUADRO:

On the motion?

CHAIRPERSON VILORIA•FISHER:

Yes.

LEG. LOSQUADRO:

Mr. Zwirn, should I make a motion to table this? Are there any potentially ethical conflicts with this?

MR. ZWIRN:

Not that I'm aware of.

CHAIRPERSON VILORIA•FISHER:

Okay. If we can move on without the games, please.

LEG. LOSQUADRO:

In the interest of time, I will just reiterate my objection to the •• the reasoning behind the tabling of the aforementioned bill that there was lengthy debate on. And I will not make a motion to table each and every one of these. But I reiterate my objection.

CHAIRPERSON VILORIA•FISHER:

Duly noted. Okay.

1204, making a SEQRA determination in connection with the proposed acquisition • • did I call the vote on that? Motion to approve and placed on the consent calendar. Motion by the Chair. The second was • • I forgot • • Legislator Stern. All in favor? Opposed? 1203 is approved and placed on the consent calendar. (Vote: 5•0•01. Leg. D'Amaro not present)

We'll go through all of these as same motion, same second, same vote if there's no objection.

1204, making a SEQRA determination in connection with the proposed acquisition of Land for open space preservation purposes known as the Mastic/Shirley Conservation Area. Same motion, same second, same vote. (Vote: 5•0•0•1. Leg. D'Amaro not present)

1205, making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Sposato property, Town of Shelter Island. Same motion, same second, same vote. (Vote: 5•0•0•1. Leg. D'Amaro not present)

1206, making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as Noyac Greenbelt Schwabe property, Town of Southampton. Same motion, same second, same vote. (Vote: 5•0•0•1. Leg. D'Amaro not present)

1207, making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Forge River County Park addition, McLoughlin property, Town of Brookhaven. Same motion, same second, same vote. (Vote: 5•0•0•1. Leg. D'Amaro not present)

1208, making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes

known as the Forge River County Park addition, Kempeski property, Town of Brookhaven. Same motion, same second, same vote. **(Vote: 5•0•0•1. Leg. D'Amaro not present)**

1209, making a SEQRA determination in connection with the proposed marine travel hoist, CP 3502, Town of Brookhaven. Same motion, same second, same vote. **(Vote: 5•0•0•1. Leg. D'Amaro not present)**

1219, adopting local law, a Charter Law to amend the membership Of the Council on Environmental Quality. This needs to be tabled for a public hearing.

LEG. STERN:
Motion.

CHAIRPERSON VILORIA•FISHER:

Motion by Legislator Stern, seconded by Legislator Losquadro. All in favor? Opposed? **Motion to table for public hearing. (Vote: 5•0•0•1. Leg. D'Amaro not present)**

1220, authorizing planning steps for acquisition under Suffolk County Save Open Space Farmland Preservation and Hamlet Parks Fund. Legislator Romaine.

LEG. ROMAINE:
Motion.

CHAIRPERSON VILORIA•FISHER:

Let me just get the second.

LEG. STERN:
Second.

CHAIRPERSON VILORIA•FISHER:

Okay. Seconded by Legislator Stern and we'll go on the motion.

MS. LONGO:

This is the Governale property.

CHAIRPERSON VILORIA•FISHER:

Yes.

MS. LONGO

And it's core pine barrens. It already has planning steps resolutions through the core pine barrens. We are actively negotiating with her. He ordered appraisals quite a while ago. And actually the owner called concerned about this resolution and rally that it might interfere with the Real estate's acquisition of this property.

CHAIRPERSON VILORIA•FISHER:

Okay. So you have on going process. Legislator Romaine.

LEG. ROMAINE:

Yes. This is under the SOS program. This is a different planning steps resolution. We'll remember the North Fork Preserve argument where the Executive had a different or said he had a different program which it really wasn't. But this is under the SOS program.

The Governales approached me. Your resolution was from 1997. They had told me •• and this is about six weeks ago •• that the County hadn't contacted them. They hadn't had an interest in selling. They had a change in mind. And they wanted to proceed and they wanted to work with me on this parcel. I put it in under SOS. This is a different program, a different resolution from the original resolution.

CHAIRPERSON VILORIA•FISHER:

But why would we want to change programs mid•stream if Ms. Longo is representing that we are currently in negotiations? I think that would only be throwing a monkey wrench into the process. Ms. Longo?

MS. LONGO:

Particularly for planning steps. We often change funding sources when it comes to the authorizing resolution because there may not be money in the original planning steps resolution. But planning steps enables us to order appraisals, open the file, negotiate with the property owners, order surveys.

LEG. ROMAINE:

Could I ask who Real Estate has contacted; which of the Governales?

MS. LONGO:

Helen Governale.

LEG. ROMAINE:

Helen Governale, as you know, is not an owner of that property.

MS. LONGO:

Her •• she's a relative of the owners. And we haven't gotten to any contract stage.

LEG. ROMAINE:

Right.

MS. LONGO

But she's a member of the family. There are numerous owners of that property.

LEG. ROMAINE:

There are two owners of that property.

MS. LONGO

In the family.

LEG. ROMAINE:

There are two owners, both of which approached me, both of which sat in my office, both of which asked me to do this. Not Denise, not a distant relative. But the two owners who asked me to introduce this resolution. I will be speaking to them about this.

MS. LONGO:

Send them to me.

LEG. ROMAINÉ:

I will.

MS. LONGO

Please have them call me. We've already ordered appraisals on the property. And we've been negotiating.

LEG. ROMAINÉ:

How can you negotiate?

CHAIRPERSON VILORIA • FISHER:

Mr. Romaine, it's my understanding that the negotiations on the sale of a property are to be done by the Department of Real Estate and not in a legislator's office. I'm going to make a motion to table. And I would suggest to the sponsor that you direct those people to our Department of Real Estate who are empowered with negotiations. As a Legislator, I would never attempt to supercede the authority and the process which is that our Department of Real Estate does the negotiations. I don't do negotiations ••

LEG. ROMAINÉ:

Well, Madam Chairman, I concur with you.

CHAIRPERSON VILORIA • FISHER:

Excuse me. Excuse me. I haven't recognized you again.

LEG. ROMAINÉ:

Point of personal privilege.

CHAIRPERSON VILORIA • FISHER:

I'll finish my statement. The negotiations which are empowered to the Department of Real Estate should remain in the Department of Real Estate. We should not be negotiating with owners in our district offices. And is there a second on the table?

LEG. ROMAINE:

Now I'd ask for my point of personal privilege.

CHAIRPERSON VILORIA • FISHER:

I just want to finish the motion. Is there a second?

LEG. STERN:

Second.

CHAIRPERSON VILORIA • FISHER:

Legislator Stern seconds. On the motion, Legislator Romaine.

LEG. ROMAINE:

Yes. On my point of personal privilege, if that was meant to indicate that I negotiated with the owners, you are absolutely mistaken. Nor would I have any interest in negotiating. These people approached me because they had not heard from the County. The County hadn't contacted them. And they asked me if I would sponsor a resolution to get their property back in motion again. I indicated I would. That's all I have done is sponsoring planning steps. I have not entered into negotiations. But I know that Real Estate hasn't spoke to the principals at this point either. And for them to imply ••

CHAIRPERSON VILORIA • FISHER:

I'll repeat my suggestion, which is to encourage the people who come to your office to go to Real Estate. And that's the proper place for them to continue with negotiations.

LEG. ROMAINE:

And I always will.

CHAIRPERSON VILORIA • FISHER:

Okay.

PRESIDING OFFICER LINDSAY:

Madam Chair, if •• the original planning steps was 1997?

MR. ZWIRN:

No.

MS. LONGO:

It's the core Pine Barrens.

PRESIDING OFFICER LINDSAY:

Oh, I see.

MS. FISCHER:

2002.

MR. ZWIRN:

2002, Legislator Lindsay.

PRESIDING OFFICER LINDSAY:

Okay. But even if it was 2002, why has it taken us so long to do an appraisal?

MS. LONGO:

Because they weren't willing sellers.

PRESIDING OFFICER LINDSAY:

I see. They've just changed their mind now evidently?

MS. LONGO:

They've just changed their mind. And it happens very often.

PRESIDING OFFICER LINDSAY:

You know that they're willing sellers now or just through ••

MS. LONGO:

I know that they have an interest in having the county appraise the property to make them an offer.

PRESIDING OFFICER LINDSAY:

Okay. You know •• and I think we're all on the same page.

LEG. ROMAINE:

Yes, we are.

PRESIDING OFFICER LINDSAY:

If it's a piece of property that we all want to acquire, you know, let's just get talking to the right people. If you're talking to the wrong people, I think Legislator Romaine maybe could direct you to talk to the right people.

MS. LONGO:

Please. If you have a willing seller, send them to me. Give me the name ••

LEG. ROMAINE:

It's Carl and John Governale.

MS. LONGO

I know their names from the last owner searches. But please send •• if you have information, send me the names, phone numbers, any contact information that you may have for a willing seller particularly in the pine barrens. Those owners do change often and some people have been difficult to reach.

PRESIDING OFFICER LINDSAY:

Maybe Legislator Romaine could ••

CHAIRPERSON VILORIA•FISHER:

Legislator Romaine, I thought you were fully prepared to support this, but I didn't know it was duplicated.

LEG. ROMAINE:

I just want to ask Counsel a quick question. Counsel, if we changed the program under which we're funding, which this does, is a new resolution required?

MR. NOLAN:

If you want to do the planning steps under a different program, then, you would need a new resolution.

LEG. ROMAINE:

And that's why this is introduced because this is under the SOS program which I believe was the handy work of our Chair Lady. And that's why we have this resolution here today. Because it's not under the Quarter Percent.

CHAIRPERSON VILORIA • FISHER:

Well, I thank you for the nod. But for planning steps, I don't think we have to. The planning steps are already ongoing.

LEG. ROMAINE:

I just asked Counsel that question.

MR. NOLAN:

They can do the planning steps under the old resolution. I'm not sure which program that you are going under.

MS. LONGO:

Old Drinking Water.

MR. NOLAN:

Old Drinking Water.

MS. LONGO

It's core Pine Barrens. The New Drinking Water. All the core Pine Barrens properties have had resolutions passed permitting Real Estate to go ahead and order appraisals on any of those properties in the core. And this is in the core. So, we already have the planning steps. When it comes to the actual acquisition, if there's not enough money in the original planning steps funding source, that's when we come back and we'll pick a different funding source for the authorizing resolution.

CHAIRPERSON VILORIA • FISHER:

Is there enough money in the New Drinking Water for this acquisition?

MS. LONGO:

Certainly for the appraisals.

LEG. ROMAINE:

Old Drinking.

CHAIRPERSON VILORIA • FISHER:

No. They corrected themselves and said New. It's New Drinking Water. They corrected themselves.

MS. LONGO:

Certainly to order the appraisals and the surveys should it get to that point.

CHAIRPERSON VILORIA • FISHER:

But what about the acquisition?

MS. LONGO:

We'll have to see.

CHAIRPERSON VILORIA • FISHER:

Well, what's the fund? What's left in the fund?

MS. LONGO:

In New Drinking Water right now, I don't know. I don't have the ••

CHAIRPERSON VILORIA • FISHER:

Okay. Can you bring that information next time you come?

MS. LONGO:

Sure.

CHAIRPERSON VILORIA • FISHER:

At some point we are going to have a presentation on what our balances are in all the different programs. Pardon?

MR. ZWIRN:

I'm informed by BRO it's about \$8 million each year.

CHAIRPERSON VILORIA • FISHER:

About \$8 million left in the Drinking Water.

MR. ZWIRN:

No. In new money.

MR. DUFFY:

Each year it's 2013 point of information.

CHAIRPERSON VILORIA • FISHER:

Okay. But for this year have we tapped into that yet, Budget Review?

MR. DUFFY:

I'd have to check my ••

CHAIRPERSON VILORIA • FISHER:

Okay. We'll talk about the money aspects at a subsequent meeting.

MS. LONGO:

It's hard to tell because we're just doing planning steps. And by the time we get to contract, we may or may not have that money available; in which case we would be using SOS or Multifaceted.

CHAIRPERSON VILORIA • FISHER:

So, you can go to a different program.

MS. LONGO

So, it's really first come, first serve with the acquisitions at whatever point we get them in contract. And then come back to you.

CHAIRPERSON VILORIA • FISHER:

You know, and maybe we could have a little bit of a •• a little bit of Kumbaya perhaps. If after the planning steps when we're ready for

acquisition, if Mr. Romaine could introduce the acquisition resolution.

PRESIDING OFFICER LINDSAY:

There you go. Okay.

CHAIRPERSON VILORIA•FISHER:

So that we can have a new Kumbaya. It's his district. He's talking to the people. Let's try to work together, boys.

MR. ZWIRN:

Well, part of the problem is that a lot of the bills that Legislator Romaine has filed are bills that have already been filed.

CHAIRPERSON VILORIA•FISHER:

I'm talking about going forward, Mr. Zwirn. I'm talking about the acquisition. The resolution •• we'll go through the planning steps. And when we go to the acquisition, let's celebrate the legislator who represent the district. And maybe we can all hold hands and say we're doing it together.

MR. ZWIRN:

Hold hands? Okay.

CHAIRPERSON VILORIA•FISHER:

There's a motion to table and a second. All in favor? Opposed? **1220 is tabled. (Vote: 4•0•0•1. Legislator D'Amaro not present)**

1222 (authorizing planning steps for the acquisition of land under the New Suffolk County Drinking Water Protection Program, Riverside Drive property, Town of Riverhead) before I make any motion because, as I said, I had come prepared to approve all of these, is this duplicative or not?

MR. ZWIRN:

Yes.

MS. LONGO

Yes.

MR. ZWIRN:

Except there's five acres •• little less than five acres that's added to this resolution. And my suggestion would be that Legislator Romaine carve out those less than five acres. And that would be added in a different bill. I think there's about 60 acres here and 55 have already been •• they've already had planning steps done. But there's, I think, less than •• more or less five acres that have been added to this with Legislator Romaine's ••

CHAIRPERSON VILORIA•FISHER:

Okay. I'd like to hear from Mr. Isles. Do you have a map on this?

DIRECTOR ISLES:

We do. We can hand out a map.

CHAIRPERSON VILORIA•FISHER:

Can you distribute that so we could take a look at it, please.

DIRECTOR ISLES:

This map is actually from the IR 1396•2002 which was the original resolution that did classify this for planning steps. It is a parcel that certainly warrants consideration for acquisition overall. And it is on Peconic River, Flanders Bay, highly stressed location from a wetlands stand point.

The issue is as Mr. Zwirn has identified is that that original resolution in 2002 did exclude the parcels on the south side or •• about half the parcels on the south side of Riverside Drive. All the ones on the north side were included. So it does make sense to include those missing parcels. No question about it. The others are already covered but certainly the missing parcels probably should be included.

LEG. ROMAINE:

Madam Chairman.

CHAIRPERSON VILORIA•FISHER:

Okay. So, this is 55 acres. And which of the 5 acres that you're saying we

should include? I'm confused. I'm sorry.

DIRECTOR ISLES:

Well, yeah. What the map indicates, the ones with the heavy green line are already included in the original planning steps resolution.

CHAIRPERSON VILORIA • FISHER:

Okay.

DIRECTOR ISLES:

The ones in the light color which is south side of ••

CHAIRPERSON VILORIA • FISHER:

Right on the river?

DIRECTOR ISLES:

No. It's more in the reddish color along the south side of Riverside Drive.

CHAIRPERSON VILORIA • FISHER:

Yes.

DIRECTOR ISLES:

Going down to where the heavy green lines are. So that area right there. And Lauretta will just point it out to you is the area that is not included in the original planning steps resolution.

CHAIRPERSON VILORIA • FISHER:

And that's what Ed is including in this one.

LEG. LOSQUADRO:

Certainly makes sense.

DIRECTOR ISLES:

Yeah. I think the issue is that we certainly don't disagree with including those. Whether we need to restate everything else already that's already included, that may be more than what's necessary. But we think the resolution should include the ones that are missing. That makes sense.

CHAIRPERSON VILORIA • FISHER:

Well, then, you know, in that case I consider that a substantive enough change for •• to have an approval of the new resolution.

LEG. ROMAINE:

Madam Chairwoman.

CHAIRPERSON VILORIA • FISHER:

But I will hear from the sponsor and if anyone else wants to weigh in on it.

LEG. ROMAINE:

I will make three points. One I was requested to do this by the Town of Riverhead that's looking to participate. Two, my property descriptions are different than the property descriptions which Planning just pointed out. And three, there are all new owners because essentially what happened the original owner of most of this property checkerboard, divided it up and checker boarded the property so there are all new owners. And that alone would require a new resolution because there are all new LLC's ••

CHAIRPERSON VILORIA • FISHER:

No, that doesn't require a new resolution.

LEG. ROMAINE:

Right. But this is a ••

CHAIRPERSON VILORIA • FISHER:

You would just work with the contract and ••

LEG. ROMAINE:

But this is a •• you have different ownership. You have a different description of properties. And it is a request from the Town of Riverhead. But, I mean if up wish to table it, I mean be my guest. I'm opposed to tabling. I think this should go forward. I'm going to vote take it forward and oppose tabling, but that's up to the majority. And, of course, I'm sure the Executive will have his word on this.

CHAIRPERSON VILORIA•FISHER:

Tom, I just have another question about the map. I'm looking at Suffolk County pieces in the centers of these. There are several. What do those represent? Those blue outlines?

LEG. LOSQUADRO:

That's wetlands.

DIRECTOR ISLES:

Indian Island •• yeah. No, it's outlined in blue. There's two blue lines. One of the ameba looking things which are actually New York State ••

CHAIRPERSON VILORIA•FISHER:

Right. That's what I'm talking about. Those little ameba things.

DIRECTOR ISLES:

Those ameba things are New York State regulated DEC wetlands. Just note, however, that comes from a electronic mapping base that's not precise. So they may move around a little bit. The point fundamentally however is that part of this site does include wetlands. Part of it is obviously coastal property. The other blue lines, the straight lines are actually indicating county property lines. And that's Indian Island County Park which is to the east of •• to the right hand side.

CHAIRPERSON VILORIA•FISHER:

Okay. So those blue ameba really, it was incorrect in the legend where •• it indicates that blue is Suffolk County. It's not. That's DEC wetlands.

DIRECTOR ISLES:

Yeah, it indicates fresh water wetlands on the second box coming down so it's a little tricky putting all the colors on.

LEG. LOSQUADRO:

More Robins eggs than royal.

CHAIRPERSON VILORIA•FISHER:

Oh, I thought it was cobalt. Okay. But listening to what Legislator Romaine has said and what you have indicated that he's adding a parcel to this, it might just be •• and we want to see it move forward. And if we table this now he would have to reintroduce on those five acres. Is there a motion?

LEG. ROMAINE:

Motion.

LEG. LOSQUADRO:

I'll second the motion.

CHAIRPERSON VILORIA•FISHER:

Motion by Legislator Romaine, seconded by Legislator Losquadro. All in favor? Opposed? **Motion carries. (Vote: 5•0•0•1. Leg. D'Amaro not present)**

1225, approving Master List IV •• Ed, you're killing me •• and planning steps for environmentally sensitive land, farmland and recreationally important land acquisitions.

LEG. ROMAINE:

Motion to table. I've already spoke to the Planning Commissioner. We have a meeting to go over the list. So I had tabled it in Ways and Means and I'm tabling it here for that purpose.

CHAIRPERSON VILORIA•FISHER:

Happy to hear it. Okay. Seconded by the Chair. All in favor? Opposed? **1225 is tabled. (Vote: 5•0•0•1. Leg. D'Amaro not present)**

1230, authorizing acquisition of land under the Suffolk County Save Open Space Farmland Preservation and Hamlet Parks Fund Open Space Component, Dovale property, Forge River Watershed. And that's County Executive. Did you want to tell us something about that? We've seen a lot of Forge River.

DIRECTOR ISLES:

Sure. This is •• we have a map to once again show you the parcel. This is

continued efforts by Suffolk County with Town of Brookhaven to acquire property along the Forge River Watershed. Many of these happen to be smaller parcels. This one is a little less than half an acre. But it is, however, an important component of the chain of parcels that exist along the west side of the Forge River.

Let me point out, too, that this is as you know in the resolution an SOS acquisition. So it is one that's eligible for a transfer of development rights credit under the County SOS program so there is one credit actually that's been identified as eligible this. So that's also included in the resolution. So, here again, it's a continuing preservation of the Forge River corridor in complementing prior resolutions of the legislature.

CHAIRPERSON VILORIA • FISHER:

Motion to approve.

PRESIDING OFFICER LINDSAY:

Second.

CHAIRPERSON VILORIA • FISHER:

Seconded by Legislator Lindsay. All in favor? Opposed? Motion carries.

1232, authorizing acquisition of land under the Suffolk County Save Open Space, Farmland Preservation and Hamlet Parks Fund, Open Space Component, Schwabe property, Noyack Greenbelt addition, Town of Southampton.

LEG. LOSQUADRO:

Motion to approve.

CHAIRPERSON VILORIA • FISHER:

Motion to approve by Legislator Losquadro. And Laretta you can give pretty us the pretty pictures any way. Is there a second?

LEG. STERN:

Second.

CHAIRPERSON VILORIA•FISHER:

Seconded by Legislator Stern. All in favor? Opposed? **1232 is approved. (Vote: 5•0•0•1. Leg. D'Amaro not present)** Thank you, Lauretta. It was good to have it for our records.

1236, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, Land Preservation Partnership for the Rocky Point CGA, Demetris property. Is there a motion or is there information? Information, sorry.

DIRECTOR ISLES:

Okay. This is a parcel that's actually located in the hamlet of Rocky Point. The parcel, I think, there had been some discussions with the town on this one as well. And there was some, I think, interest on the town's part. So this resolution was prepared in the event the town was not going to go forward with the acquisition. My understanding is that they have since approved a resolution to go forward and maybe unnecessary for the county to do so. It's clearly a meritorious parcel. It's on the edge of the Pine Barrens and the central edge of the core in this CGA, the compatible growth area. But I think some of the pressure's off the from the County at the moment.

LEG. LOSQUADRO:

Madam Chair?

CHAIRPERSON VILORIA•FISHER:

Yes.

LEG. LOSQUADRO:

On the motion, I would just say I was prepared to move forward with this myself had there been a sufficient time frame to act in conjunction with the town. But the County's process being what it is, which is a fairly quick process but the Nature Conservancy was involved in this and it was just beyond our ability to act expeditiously enough to partner in this particular acquisition. But we have a bunch of other stuff in the Town of Brookhaven we're looking forward to working with them on. So Brookhaven is going to be going •• flying solo on this one but we'll be working with them in the

future.

CHAIRPERSON VILORIA • FISHER:

Oh, they're not partnering with us. Okay. I misunderstood that.

LEG. LOSQUADRO:

No.

CHAIRPERSON VILORIA • FISHER:

So we won't pass this because you say Brookhaven is going to do an out right acquisition?

LEG. LOSQUADRO:

Yes.

CHAIRPERSON VILORIA • FISHER:

Themselves.

LEG. LOSQUADRO:

So I'll make a motion to table temporarily. I mean then we can withdraw it or table it subject to call when Brookhaven completes their deal.

DIRECTOR ISLES:

If something changes, yeah.

CHAIRPERSON VILORIA • FISHER:

Very good. Okay. I'll second that motion. All in favor? Opposed? **1236 is tabled. (Vote: 5•0•0•1. Leg. D'Amaro not present)**

I'm going to go back to a resolution on which I recused which is **1160, (Appointing Vivian Viloria • Fisher as a member of the Suffolk County Soil and Water Conservation District)**

LEG. ROMAINE:

Motion.

PRESIDING OFFICER LINDSAY:

Second.

CHAIRPERSON VILORIA•FISHER:

Okay. Motion by Legislator Romaine, seconded by Legislator Losquadro. All in favor? Opposed? Seconded by Bill Lindsay. I'm sorry. I guess my right ear is working better. And I will recuse myself on that. All in favor? Opposed? Okay. **Motion carries. (Vote: 4•0•0•1. Legislator D'Amato not present. Legislator Viloria•Fisher recuses)**

CEQ RESOLUTIONS

CHAIRPERSON VILORIA•FISHER:

Okay. CEQ. Mr. Bagg. Okay. Do you want to talk to us about these?

MR. BAGG:

Sure.

CHAIRPERSON VILORIA•FISHER:

10•06.

MR. BAGG:

10•06, this is the proposed SEQRA classifications of legislative resolutions laid on the table on February 7th, 2006. Council goes through the resolutions and makes recommendations as to Type II Actions and other classifications.

CHAIRPERSON VILORIA•FISHER:

Okay. Are there any questions on this?

LEG. LOSQUADRO:

No.

CHAIRPERSON VILORIA • FISHER:

Okay. Motion.

LEG. LOSQUADRO:

Motion.

CHAIRPERSON VILORIA • FISHER:

Legislator Losquadro.

LEG. STERN:

Seconded.

CHAIRPERSON VILORIA • FISHER:

Seconded by Legislator Stern. All in favor? Opposed? **(Vote: 5 • 0 • 0 • 1. Leg. D'Amaro not present)**

11 • 06.

MR. BAGG:

Okay. 11 • 06 is for the proposed Rabies Oral Immunization Program, Towns of Babylon, Brookhaven, Huntington, Islip and Smithtown.

Project involves a 35 mile wide rabies immunization corridor by vaccinating the endemic raccoon population near the Nassau Suffolk border using an oral rabies vaccine bait by aerial and ground placement in order to prevent the spread of raccoon rabies entering Suffolk County.

LEG. LOSQUADRO:

Same motion.

CHAIRPERSON VILORIA • FISHER:

Same second?

LEG. STERN:

Yes.

CHAIRPERSON VILORIA • FISHER:

Same vote. **(Vote: 5 • 0 • 0 • 1. Leg. D'Amaro not present)** And I just

wanted to comment on that that there was some very good questions at CEQ regarding this •• regarding the safety of domestic animals and people, whether they could get to this bait. And it was a really good presentation. I think this is a good program.

MR. BAGG:

That's correct.

CHAIRPERSON VILORIA•FISHER:
12•06.

MR. BAGG:

This is the proposed acquisition of land for open space preservation purposes known as Great Pond, Georgipolous property, Town of Southold. Council recommends an unlisted action negative declaration.

CHAIRPERSON VILORIA•FISHER:
Same motion?

LEG. LOSQUADRO:
Same motion.

CHAIRPERSON VILORIA•FISHER:
Same second, same vote. **(Approved. Vote: 5•0•0•1. Leg. D'Amaro not present)**

CHAIRPERSON VILORIA•FISHER:
13•06.

MR. BAGG:

13•06 is the proposed acquisition of a Conservation Easement of 5 acres of land known as the Sans Souci Lakes County Park addition, Loughlin property in the Town of Islip. Unlisted negative declaration.

CHAIRPERSON VILORIA•FISHER:
Same motion, same second, same vote. **(Approved. Vote: 5•0•0•1. Leg. D'Amaro not present)**

14•06.

MR. BAGG:

This is the proposed acquisition of land for open space preservation purposes known as the Forge River County Park Addition, Godzieba property in the Town of Brookhaven. Council recommends an unlisted action negative declaration.

CHAIRPERSON VILORIA•FISHER:

Same motion, same second, same vote. **(Approved. Vote: 5•0•0•1. Leg. D'Amaro not present)**

MR. BAGG:

15•06 is the proposed acquisition of land for open space preservation purposes known as the Champlin Creek Addition, Cacoperdo property in the Town of Islip. Council recommends an unlisted action negative declaration.

CHAIRPERSON VILORIA•FISHER:

Okay. Same motion, same second, same vote. **(Approved. Vote: 5•0•0•0•1. Leg. D'Amaro not present)**

16•06 is the proposed acquisition of land for open space preservation purposes known as the Forge River County Park Addition, Rakidjian property in the Town of Brookhaven. Council recommends an unlisted action negative declaration.

CHAIRPERSON VILORIA•FISHER:

Same motion, same second, same vote. **(Approved. Vote: 5•0•0•1. Leg. D'Amaro not present)**

MR. BAGG:

17•06 is the proposed acquisition of land for open space preservation purposes known as the Forge River County Park addition, the Dovale property in the Town of Brookhaven. They recommended an unlisted action negative declaration. And I believe you

reviewed this proposal already and the negative declaration is contained in that resolution.

CHAIRPERSON VILORIA•FISHER:

Okay. So we don't need to vote on this again?

MR. BAGG:

I believe so.

CHAIRPERSON VILORIA•FISHER:

Okay. Memorializing resolution. By the way, how much is left of the Forge River, Laretta?

MS. FISCHER:

We have lots more to go.

MEMORIALIZING RESOLUTIONS

CHAIRPERSON VILORIA•FISHER:

M.003, memorializing resolution requesting State of New York to grand municipalities the authority to regulate trapping. Motion to approve, seconded by Legislator Stern. All in favor? Opposed? Okay. Motion passes. **(Vote: 5•0•0•1. Leg. D'Amaro not present)**

Is there any other business? We stand adjourned.

(THE MEETING CONCLUDED AT 12:33 PM)

_ _ DENOTES SPELLED PHONETICALLY